



Eric M. Dessen
Associate Counsel

April 18, 2006

CERTIFIED MAIL

EPA Region 2
Regional Hearing Clerk
P.O. Box 360188M
Pittsburgh, Pennsylvania 15251

**Re: In the Matter of Consolidated Edison
Company of New York, Inc.
Docket No. TSCA-02-2006-9203**

Dear Sir/Madam:

In line with the instructions in paragraph 3 of the Terms of Consent of the Consent Agreement and Final Order, Docket No. TSCA-02-2006-9203, enclosed is a check in the amount of Eleven Thousand Three Hundred Seventy Five dollars (\$11,375.00) payable to the "Treasurer of the United States of America."

Sincerely,

Enc.

cc: **Ann Finnegan**
Pesticides and Toxic Substances Branch
2890 Woodbridge Avenue, MS-105
Edison, NJ 08837

Regional Hearing Clerk
US Environmental Protection Agency
290 Broadway
16th Floor
New York, NY 10007

DO NOT CASH UNLESS BACK OF CHECK CONTAINS ARTIFICIAL WATERMARK



4 IRVING PLACE
NEW YORK, NY 10003

DATE		
04	14	06

NOT GOOD AFTER		
08	31	06

E 777191
E777191

60-160
433

PAY ***** ELEVEN THOUSAND THREE HUNDRED SEVENTY FIVE DOLLARS 00 CTS.

\$11,375 00

TO THE
ORDER OF

TREASURER OF THE UNITED STATES
OF AMERICA IN THE MATTER OF
CONSOLIDATED EDISON COMPANY OF
NEW YORK INC
DOCKET NO TSCA 02-2006-9203

PAYABLE AT
MELLON BANK, N.A.
PITTSBURGH, PA

Joseph P. Bates
VICE PRESIDENT & TREASURER
CON EDISON

⑈00777191⑈ ⑆043301601⑆ 000⑈3156⑈



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2

2890 WOODBRIDGE AVE.
EDISON, NEW JERSEY 08837

MAR 27 2006

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Randolph Price, Vice President
Environmental Health & Safety
Consolidated Edison Company of New York, Inc.
4 Irving Place
New York, N.Y. 10003-3598

Re: In the Matter of Consolidated Edison of New York, Inc.
Docket No. TSCA-02-2006-9203

Dear Mr. Price:

Enclosed is a fully executed copy of the Administrative Consent Agreement and Final Order in the above-referenced proceeding, signed by the Regional Administrator of the U.S. Environmental Protection Agency, Region 2.

Please note that the forty-five (45) day period for payment of the civil penalty commenced as of the date this Consent Agreement was signed by the Regional Administrator. Please arrange for payment of this penalty according to the instructions given within the enclosed document under "Terms of Consent Agreement". Further, please ensure that a copy of their payment check is mailed to the EPA staff member listed in that section of the Agreement.

Please contact Ann Finnegan of my staff at (732) 906-6177, should you have any questions regarding this matter.

Sincerely,

Kenneth S. Stoller, P.E., QEP, DEE
Chief
Pesticides and Toxic Substances Branch
Enclosure

bcc: R. Cahill, 2CD
William Sawyer, 2ORC-AWTS
Karen Maples, RHC

Linda Hall, 2DECA-PTS
D. Vizian, 2OPM-FIN

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2

-----X	:	
In the Matter of	:	
	:	
Consolidated Edison Company	:	<u>CONSENT AGREEMENT</u>
of New York, Inc.,	:	<u>AND</u>
	:	<u>FINAL ORDER</u>
	:	
Respondent.	:	
	:	
Proceeding under Section 16(a) of	:	Docket No.
the Toxic Substances Control Act.	:	TSCA-02-2006-9203
-----X	:	

PRELIMINARY STATEMENT

This administrative proceeding for the assessment of a civil penalty was instituted pursuant to Section 16(a) of the Toxic Substances Control Act ("TSCA"), 15 U.S.C. § 2615(a). The "Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation, Termination or Suspension of Permits," 40 C.F.R. Part 22 (July 1, 2000) (hereinafter "Consolidated Rules"), provide in 40 C.F.R. § 22.13(b) that when the parties agree to settle one or more causes of action before the filing of an Administrative Complaint, a proceeding may be simultaneously commenced and concluded by the issuance of a Consent Agreement and Order pursuant to 40 C.F.R. § 22.18(b)(2) and (3). The Director of the Division of Enforcement and Compliance Assistance, Region 2, United States Environmental Protection Agency ("EPA" or "Complainant"), alleges that Respondent Consolidated Edison Company of New York, Inc. ("ConEd") violated Section 6(e) of TSCA, 15 U.S.C. § 2605(e), and the regulations promulgated pursuant to that Section, set forth at 40 C.F.R. Part 761, relating to polychlorinated biphenyls ("PCBs") and Section 15(1) of TSCA, 15 U.S.C. § 2614(1).

EPA and ConEd agree that settling this matter by entering into this Consent Agreement and Final Order ("CAFO") pursuant to 40 C.F.R. § 22.13(b) and 40 C.F.R. § 22.18(b)(2) and (3), is an appropriate means of resolving this case without further litigation. This CAFO is being issued pursuant to said provisions of 40 C.F.R. Part 22. No formal or adjudicated findings of fact or conclusions of law have been made. The following constitute Complainant's findings of fact and conclusions of law.

FINDINGS OF FACT

1. Respondent is Consolidated Edison Company of New York, Inc.
2. During several telephone conversations and electronic mail messages beginning in October 2005, and by letter dated November 8, 2005, Respondent notified EPA of a potential violation of the PCB manifesting regulations that occurred at their facility known as the Astoria East Substation, Queens County, New York).
3. Respondent failed to properly identify PCB waste submitted for off-site disposal on EPA Manifest Form 8700-22 in accordance with the specifications and requirements of 40 C.F.R. § 761.207(a). Respondent was required to specify, for each PCB Container, the unique identifying number, identity of the PCB waste, the earliest date of removal from service for disposal, and the weight in kilograms of the PCB waste.
4. Respondent asserts that the waste was analyzed through composite sampling prior to shipment for disposal, and that the results for these composite samples were under the regulatory limit for PCB waste (50 parts per million).
5. Complainant sent to Respondent a "Notice of Opportunity Related to Enforcement Action Under the Toxic Substances Control Act", which alleged the Respondent committed a violation of the regulations regarding polychlorinated biphenyls.

CONCLUSIONS OF LAW

1. Respondent, as the owner and/or operator of the facilities which are the subject of this action, is subject to the regulations and requirements pertaining to PCBs and PCB Items promulgated pursuant to Section 6(e) of TSCA, 15 U.S.C. § 2605(e), and set forth at 40 C.F.R. Part 761.

2. Respondent is a "person" within the meaning of 40 C.F.R. § 761.3.

3. Failure to identify PCB waste submitted for off-site disposal on EPA Manifest Form 8700-22 is a violations of 40 C.F.R. § 761.207(a), which is a violation of Section 6(e) and Section 15(1)(C) of TSCA, 15 U.S.C. §§ 2605(e), 2614(1)(C).

TERMS OF CONSENT AGREEMENT

Based on the foregoing, and pursuant to Section 16(a) of TSCA, 15 U.S.C. § 2615(a) and in accordance with the Consolidated Rules, it is hereby agreed by and between the parties hereto, and accepted by Respondent, that Respondent voluntarily and knowingly agrees to, and shall, comply with the following terms:

1. Respondent shall hereinafter comply with all applicable provisions of TSCA and the regulations promulgated pursuant to it.

2. For the purposes of this Consent Agreement, Respondent (a) admits that EPA has jurisdiction pursuant to Section 16(a) of TSCA, 15 U.S.C. § 2615(a), to commence a civil administrative proceeding for the violations alleged in the "Conclusions of Law" section above; (b) neither admits nor denies the specific factual allegations contained in the "Findings of Fact" section, above; and (c) neither admits nor denies the assertions set forth in the "Conclusions of Law" section, above.

3. Respondent shall pay, by cashier's or certified check, a civil penalty in the amount of Eleven Thousand Three Hundred Seventy Five Dollars (\$11,375), payable to the "Treasurer of the United States of America". The check shall be identified with a notation of the name and docket number of this case, set forth in the caption on the first page of this document. Such check shall be mailed to:

EPA Region 2 (Regional Hearing Clerk)
P.O. Box 360188M
Pittsburgh, Pennsylvania 15251

Respondent shall also send copies of this payment to each of the following:

Ann Finnegan, Life Scientist
Pesticides and Toxic Substances Branch
2890 Woodbridge Avenue, MS-105
Edison, New Jersey 08837

and

Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 2
290 Broadway, 16th Floor
New York, NY 10007

Payment must be received at the above address on or before 45 calendar days after the date of the signature of the Final Order at the end of this document (the date by which payment must be received shall hereinafter be referred to as the "due date").

a. Failure to pay the penalty in full according to the above provisions will result in the referral of this matter to the U.S. Department of Justice or the U.S. Department of the Treasury for collection.

b. Further, if payment is not received on or before the due date, interest will be assessed, at the annual rate established by the Secretary of the Treasury pursuant to the Debt Collection Act, 31 U.S.C. § 3717, on the overdue amount from the due date through the date of payment. In addition, a late payment handling charge of \$15.00 will be assessed for each 30 day period (or any portion thereof) following the due date in which the balance remains unpaid. A 6% per annum penalty also will be applied on any principal amount not paid within 90 days of the due date.

4. This Consent Agreement is being voluntarily and knowingly entered into by the parties in full and final settlement of the civil liabilities that might have attached as a result of the allegations in the Complaint. Respondent has read the Consent Agreement, understands its

terms, finds it to be reasonable, and consents to its issuance and its terms. Respondent consents to the issuance of the accompanying Final Order. Respondent agrees that all terms of settlement are set forth herein.

5. Respondent explicitly and knowingly consents to the assessment of the civil penalty as set forth in this Consent Agreement, and agrees to pay the penalty in accordance with the terms of this Consent Agreement.

6. Respondent explicitly waives its right to request or to seek any Hearing on the Complaint or any of the allegations therein asserted, on this Consent Agreement or the Findings of Fact and Conclusions of Law herein, or the accompanying Final Order.

7. Respondent waives any right it may have pursuant to 40 C.F.R. 22.8 to be present during discussions with or to be served with and to reply to any memorandum or communication addressed to the Regional Administrator or the Deputy Regional Administrator where the purpose of such discussion, memorandum, or communication is to discuss a proposed settlement of this matter or to recommend that such official accept this Consent Agreement and issue the attached Final Order.

8. This Consent Agreement does not waive, extinguish, or otherwise effect Respondent's obligation to comply with all applicable federal, state, or local laws, rules, or regulations.

9. Each undersigned signatory to this Consent Agreement certifies that he or she is duly and fully authorized to enter into and ratify this Consent Agreement and all terms and conditions set forth in this Consent Agreement.

10. Each party shall bear its own costs and attorneys fees in this matter.

11. Respondent consents to service upon Respondent of a copy of this Consent Agreement and Final Order by an EPA employee other than the Regional Hearing Clerk.

RESPONDENT:

BY: *Randolph Price*
Consolidated Edison Company of
New York, Inc.

NAME: Randolph S. Price

TITLE: Vice President, Environment Health &
Safety

DATE: 3/7/06

COMPLAINANT:

[Signature]
Dore LaPosta, Director
Division of Enforcement and
Compliance Assistance
U.S. Environmental Protection
Agency - Region 2
290 Broadway
New York, NY 10007

DATE: MARCH 10, 2006

In the Matter of Consolidated Edison Company of New York, Inc.
Docket Number 2-TSCA-2006-9203

FINAL ORDER

The Regional Administrator of the U.S. Environmental Protection Agency, Region 2 concurs in the foregoing Consent Agreement in the case of In the Matter of Consolidated Edison Company of New York, Inc. bearing Docket Number TSCA-02-2006-9203. Said Consent Agreement, having been duly accepted and entered into by the parties, shall be, and hereby is, ratified, incorporated into and issued, as this Final Order, which shall become effective when filed with the Regional Hearing Clerk of EPA, Region 2 (40 C.F.R. § 22.31(b)). This Final Order is being entered pursuant to the authority of 40 C.F.R. § 22.18(b)(3) and shall constitute and order issued under Section 6 of the Toxic Substances Control Act, 15 U.S.C. § 2605 for purposes of Section 15(1)(C) of TSCA, 15 U.S.C. § 2614(1)(C).

DATE: _____

March 21, 2006


Alan J. Steinberg

Alan J. Steinberg
Regional Administrator
U.S. Environmental Protection Agency
Region 2
290 Broadway
New York, New York 10007

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2

DATE: MAR 8 2006

SUBJECT: In the Matter of Consolidated Edison Company of New York, Inc.
Docket No. TSCA-02-2006- 9203

FROM:  Dore LaPosta, Director
Division of Enforcement and Compliance Assistance

TO: Alan J. Steinberg
Regional Administrator

Attached please find a Consent Agreement and Final Order for your signature. This is part of a consolidated action taken pursuant to our Consolidated Rules of Practice (40 C.F.R. § 22.18(b)(2) and (3)), which provide that a proceeding may be simultaneously commenced and concluded by the issuance of a Consent Agreement and Final Order when the parties agree to settle one or more causes of action before the filing of an Administrative Complaint. This Consent Agreement will commence and settle an enforcement action against the above referenced party under Section 16(a) of the Toxic Substances Control Act ("TSCA"), 15 U.S.C. § 2615(a).

The Respondent, is the owner of a facility that has owned, used and maintained, stored or disposed of PCBs and PCB Items. On or about November 8, 2005, Respondent notified EPA of a potential violation of the Toxic Substances Control Act (TSCA) which may have occurred at Respondent's facility. Additional information was provided in several telephone conversations and electronic communications. Based on our review of this information, EPA determined that Respondent had:

1. Failed to identify PCB waste submitted for off-site disposal on EPA Manifest Form 8700-22, in accordance with the specifications and requirements of 40 C.F.R. § 761.207(a).

A Notice of Opportunity Related to Enforcement Action ("Notice") was issued in lieu of a Complaint and Notice of Opportunity for Hearing. A civil penalty of \$ 32,500 was proposed in this Notice. The amount of the penalty was calculated in conformance with the "Guidelines for Assessment of Civil Penalties Under Section 16 of the Toxic Substances Control Act; PCB Penalty Policy", which was published on September 10, 1980 in the Federal Register (45 Fed. Reg. 59,770 (1980)) and the "Polychlorinated Biphenyls (PCB) Penalty Policy" (April 9, 1990).

In combination with issuance of the Notice, we included a Consent Agreement and Final Order in order to expedite settlement of this matter. In this Consent Agreement, in order to reach an equitable settlement, we offered Respondent a reduced penalty of \$ 11,375. This settlement offer included a reduction of 40% (\$ 13,000) in recognition of Respondent's timely self-disclosure of the violation and the fact that Respondent took all actions necessary to address the situation and come into compliance with the regulations. We also included a 15% reduction (\$ 4,875) for Respondent's good faith and promptness in coming into compliance. Due to Respondent's anticipated willingness to settle this matter in an expeditious manner, an additional 10% reduction (\$ 3,250) was allowed under the "as justice may require" portion of the penalty policy in consideration of the savings to the Agency in time and cost of litigation.

In order to reach an equitable settlement, we offered Respondent a revised settlement offer of \$ 11,375. This penalty was reduced in accordance with the "Guidelines for Assessment of Civil Penalties Under Section 16 of the Toxic Substances Control Act; PCB Penalty Policy", and the "Polychlorinated Biphenyls (PCB) Penalty Policy". Respondent has agreed to this penalty, and has signed the Consent Agreement.

If this Consent Agreement and Final Order meets with your approval, please sign it and return it to me. If you have any questions regarding this matter, please call me.

Attachment



Eric M. Dessen
Associate Counsel

March 7, 2006

VIA DHL

Ms. Ann M. Finnegan
U.S. Environmental Protection Agency - Region 2
Pesticides and Toxic Substances Branch
2890 Woodbridge Avenue – MS105
Edison, New Jersey 08837

**Re: In the Matter of Consolidated Edison Company of New York, Inc.
Consent Agreement and Final Order
TSCA-02-2006-9203**

Dear Ms. Finnegan:

In line with the instructions set forth in EPA's Notice of Opportunity with Respect to Action Under the Toxic Substances Control Act dated February 22, 2006, enclosed is Con Edison's signed Consent Order and Final Agreement ("CAFO") for the above-referenced matter.

Please have EPA sign the CAFO and return a fully executed copy to Con Edison. Upon receipt of the fully executed CAFO, Con Edison will process and send a cashier's or certified check in the amount of eleven thousand three hundred and seventy five dollars (\$11,375.00) to EPA in line with the terms of the CAFO.

If you have any questions, please do not hesitate to contact me.

Sincerely,

Eric Dessen

Enc.

c: Harry Coates
David Roche
263250



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2

2890 WOODBRIDGE AVENUE

EDISON, NEW JERSEY 08837-3679

FEB 22 2006

CERTIFIED MAIL

RETURN RECEIPT REQUESTED

Mr. Randolph Price, Vice President
Environmental Health & Safety
Consolidated Edison Company of New York, Inc.
4 Irving Place
New York, N.Y. 10003-3598

Re: Notice of Opportunity with Respect to Action Under Toxic Substances Control Act

Dear Mr. Price:

On or about October 21 2005, a representative of Consolidated Edison Company of New York ("ConEd") notified U.S. Environmental Protection Agency ("EPA") Region 2 personnel that ConEd may have committed a violation of the Toxic Substances Control Act (TSCA). Additional information was provided in several subsequent telephone conversations and a letter dated November 8, 2005.

Based on the information provided, EPA believes that ConEd is in violation of the regulations relating to polychlorinated biphenyls (PCBs), codified at 40 C.F.R. Part 761 and promulgated under authority of Section 6 of TSCA, 15 U.S.C. § 2605.

Pursuant to Section 16 of TSCA, 15 U.S.C. § 2615, EPA is authorized to commence civil administrative actions for the assessment of civil penalties for violations of the above cited regulations. Based upon the available information, EPA has tentatively determined that ConEd would be liable to the United States for multiple violations of the regulations at 40 C.F.R. Part 761. Consistent with the provisions set forth in EPA's "Guidelines for Assessment of Civil Penalties Under Section 16 of the Toxic Substances Control Act," which was published on September 10, 1980 in the Federal Register (45 Fed. Reg. 59,770), and EPA's April 9, 1990 "PCB Penalty Policy", the United States may assess a penalty of \$ 32,500 for such violations. A more detailed description of the violation and potential penalties is included as an enclosure to this letter.

However, our Consolidated Rules of Practice, at 40 C.F.R. §22.13(b), now permit the simultaneous commencement and conclusion of a proceeding without the issuance of a

complaint. Any such settlement must be in conformance with the appropriate EPA Enforcement Response Policy and would include ConEd agreeing to pay a monetary penalty as part of a Consent Agreement and Final Order (CAFO). EPA is prepared to consider such an approach in this case, and hereby offers to settle this matter for \$ 11,375. This reflects a 40 % reduction for the voluntary nature of ConEd's disclosure of certain violations, as well as an overall 25% reduction from the original penalty that could have been assessed for each of the above-described violations. A more detailed description of the reductions is included in the enclosure to this letter.

For your convenience, I have enclosed a CAFO for your review. If you agree with this settlement offer, please sign the original provided and return it for further processing within twenty (20) days of receipt to the attention of Ann Finnegan at the following address:

United States Environmental Protection Agency - Region 2
Pesticides and Toxic Substances Branch
2890 Woodbridge Avenue - MS105
Edison, NJ 08837

A fully executed copy of this document will be mailed to you upon issuance..

If we are unable to reach an expeditious settlement, EPA is prepared to issue an Administrative Complaint in this matter. I have enclosed copies of the Consolidated Rules of Practice (40 C.F.R. Part 22), the PCB penalty policies, and the Notice of Securities and Exchange Commission Registrants' Duty to Disclose Environmental Legal Proceedings.

If you have any questions regarding the penalty determination or the settlement process, or would like to schedule a conference to further discuss this matter, please contact Ms. Finnegan at (732) 906-6177.

Sincerely,

Kenneth S. Stoller, P.E., QEP, DEE
Chief
Pesticides and Toxic Substances Branch

Enclosures

Enclosure
Violations and Penalty

1. Failure to manifest PCB waste:

Pursuant to 40 C.F.R. § 761.207(a), Respondent was required to identify PCB waste submitted for off-site disposal on EPA Manifest Form 8700-22. Respondent was required to specify, for each PCB Container, the unique identifying number, identity of the PCB waste, the earliest date of removal from service for disposal, and the weight in kilograms of the PCB waste.

On or about October 17, 2005, ConEd sent a shipment of solid waste from their Astoria East Substation to Cycle Chem Inc. in Elizabeth, New Jersey under non-hazardous manifest R16777. Upon receipt of the waste, Cycle Chem sampled it and discovered that the waste was contaminated with PCBs at approximately 79 parts per million. On October 26, 2005, this waste was shipped under hazardous waste manifest NYG5236587 to CWM Model City landfill for proper disposal.

Circumstance Level: 1

Extent Category: Major (amount more than 1,100 gallons)

Gravity-based Penalty for this violation: \$ 32,500

40% Reduction for Voluntary self-disclosure
within 30 days and takes all steps necessary: - \$ 13,000

Adjusted Gravity-based Penalty for this violation: \$ 19,500

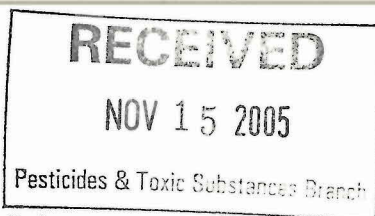
15 % reduction (off the gravity based-base penalty for each count) for attitude: - \$ 4,875

10% reduction (off the gravity-based base penalty for each count)
for expeditious settlement - \$ 3,250

EPA's settlement offer: \$ 11,375

References:

1. EPA's "Guidelines for Assessment of Civil Penalties Under Section 16 of the Toxic Substances Control Act" [September 10, 1980, in Federal Register (45 Fed. Reg. 59,770)]
2. EPA's "PCB Penalty Policy" (April 9, 1990)
3. The Civil Monetary Penalty Inflation Adjustment Rule [February 13, 2004, in Federal Register (69 FR 7121)]
4. Penalty Policy Supplements pursuant to the Civil Penalty Inflation Adjustment Rule (April 18, 1997)



Stephen E. Quinn
Vice President
Substation Operations

November 8, 2005

Mr. Daniel J. Kraft
Chief, Toxics Section
U.S. Environmental Protection Agency - Region II
2890 Woodbridge Ave.
Building 10 (MS-105)
Edison, NJ, 08837-3679

Re: Consolidated Edison Company of New York, Inc.
Notice of Unmanifested Hazardous Waste Shipment

Dear Mr. Kraft:

As Thomas Teeling discussed with you by telephone on October 21, 2005, and as detailed below, on October 17, 2005, Consolidated Edison Company of New York, Inc. ("Con Edison") inadvertently sent an un-manifested shipment of PCB solid waste from Con Edison's Astoria East Substation in Queens County, New York to a waste management facility in Elizabeth, New Jersey.

Excavation of trenching for installation of two electric transmission feeders at the Astoria East Substation was conducted earlier this year at Con Edison's Astoria Complex in Queens. This excavation produced two piles of soil that were each probed on August 8, 2005 to create two composite samples for hazardous waste/PCB analysis by Con Edison's certified laboratory. The analytical results were reported on August 12, 2005 as testing non-hazardous, including results less than 11 parts-per-million (ppm) PCB. Consequently, beginning in October, the soil piles were loaded into roll-off containers and a total of 18 containers were shipped via Clean Venture and Freehold Cartage as non-hazardous waste to Cycle Chem, Inc. of Elizabeth, New Jersey. At Cycle Chem, each roll-off container received from the Astoria East Substation was cored to take a composite sample for analysis by Cycle Chem's certified laboratory. All roll-offs tested by Cycle Chem's laboratory were confirmed at less than 50 ppm PCB until Container R16777, received on October 17, 2005, tested at 79.9 ppm PCB, and retested at 60.3 ppm PCB, on October 19, 2005.

Subsequently, the contents of three remaining roll-off containers from the two piles were sampled, tested individually, and shipped from the Astoria East Substation on October 31, 2005 and November 1, 2005. Of these containers, the contents of two tested non-hazardous. The contents of the third container tested at 70.6 ppm PCBs. A New Jersey manifest was appropriately prepared and sent with this load to Cycle Chem, Inc.

November 8, 2005

Cycle Chem is permitted to receive PCB waste, but given the sampling results of the Cycle Chem analysis upon its arrival, the contents of Container R16777 had been transported from Astoria without the manifest required for PCB and hazardous waste (in New York State). Con Edison representatives made verbal notification of this manifesting anomaly to NYSDEC and USEPA on October 21, 2005. A New Jersey manifest for Container R16777 was promptly prepared and signed on October 24, 2005. Subsequently, the 12,373 kilograms of soil in the container were manifested for disposal by Cycle Chem to the Chemical Waste Management landfill in Model City, New York on October 26, 2005.

If you have any questions, please contact David Roche at 212-460-2100.

Sincerely,



Stephen E. Quinn

9-26-05

CELL # 917 270 4319
OFFICE 212 894 9476

Anthony Drumming S
Con Ed

2/22 discovered spill from XFMR west 39th St
between 6th Ave
& Broadway
into vault - 124 W 39th St - migrated into
adjacent commercial building
sub-basement (unoccupied) office
1410
Broadway
2010 ppm

2/23 initial cleanup
but oil still migrating in
pressure washing pushes more
oil out into basement
(collecting wastewater to dispose)
XFMR is only 3 ppm
3 yrs ago, had high conc. PCB
historic spill
in an adjacent vault
couldn't get it to cleanup
levels, so encapsulated it
& put sign on it July 2002
also drainpipe leads thru basement
to sewer - cracked
Found 300 ppm in crack
area



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2

2890 WOODBRIDGE AVENUE

EDISON, NEW JERSEY 08837-3679

A

sewer
drain goes to
sewage treatment plant

DEC three already
Andrew Kelly

verbal
your approval
for cleanup

- will break vault + get soil out
- suspended pressure wash since oil keeps migrating in
- can't shut drains down w/o shutting down building - may be able to segregate vault
- bring contractor in to replace drain pipe that's cracked
- will plug drains + collect wastewater to dispose

Thursday - hi from John

Sticky
Flags for kids

FSK

9/30 Friday - Anthony Dunning
con Ed

all work pending wipe samples
cleaned vault + basement +
removed drain pipe already

4 Irving Place, Room 828
New York, NY, 10003

**Consolidated Edison
of New York**

Fax

To: Ms. Ann Finnegan

From: David Roche

Fax:

Pages: 3

Phone:

Date: 12/15/2005

Re: Unmanifested container 10/17/05

CC:

☐ **Urgent** ☒ **For Review** ☐ **Please Comment** ☐ **Please Reply** ☐ **Please Recycle**

● **Comments:** In response to your e-mail request of 12/14/05, the 10/17/05 bill of lading for Container R16777 via Freehold Cartage to Cycle Chem, and the correction manifest NJA 5209035 signed 10/24/05 follow.

Please contact me with ~~any~~ further questions. My phone is 212-460-2100.

R 16777

40 Boulevard St.
Summer '8C 29150
Phone: (803) 773-2011
Fax: (803) 773-2942

CONFIDENTIAL

SPECIAL HANDLING INSTRUCTIONS INCLUDING CONTAINER EXEMPTION NUMBER

SHIPPER'S CERTIFICATION: This is to certify that the above named materials are properly classified, described, packaged, marked and labeled and are in proper condition for transportation according to the applicable regulations of the Department of Transportation, U.S. EPA and the States. The materials described above were consigned to the Transporter named. The consignee can and will accept the shipment and has a valid permit to do so if required. I certify that the foregoing is true and correct to the best of my knowledge.

Payment to the contractor for waste removal does not constitute payment to the carrier and if the contractor does not pay the carrier, the shipper is obligated to pay the agreed rate offered to the contractor.

COMMENTS OR DELAYS AT CONSIGNEE	EQUIPMENT USED
---------------------------------	----------------

AR H-0257	MD HWT-187	MQ H-1490	OH UPW-0190713-OH	TX 40705
CT CT-HW-307	2001-OPV-2335	ND WH-428	OK UPW-0190713-OH	WI 11802
DE DE-HW-203	ME ME-HWT-47	NH TNH-0047	ONTARIO, CANADA A 840943	WV UPW-0190713-OH
DE-SW-203	ME-WOT-47	NJ 8-2265	PA PA:AH-0087	
IL UPW-0190713-OH	MI UPW-0190713-OH	15639	QUEBEC, CANADA QC-QML-047	
MA MA-204	MN UPW-0190713-OH	NY NJ-113	RI RI-535	

White - FCJ Original
Yellow - FCJ Billing
Blue - FCJ Office/ Customer
Green - Retained by TDOF
Gold - Retained by Generator

R16777

TOTAL P.04



STATE OF NEW JERSEY
Department of Environmental Protection
Hazardous Waste Regulation Program
Manifest Section
P.O. Box 414, Trenton, NJ 08625-0414

Form Approved

DMP No. 2050-0039

Please type or print in block letters. (Form designed for use on this 12 x 18 inch sheet)

Page 1

Information in the shaded areas is not required by Federal law.

UNIFORM HAZARDOUS WASTE MANIFEST		NYD 98059363609038		NJ 5209035	
3. Generator's Name and Mailing Address: ASTORIA 31-01 2024 AVE LONG ISLAND CITY, NY 11105-2048 Long Island City Phone: 718 1209-4090		CONSULTANT EDISON CO. OF NY, INC. ATTN: A.J. McLOUGHLIN NYD 054112611617		NJ 5209035 31-01 2024 AVE LONG ISLAND CITY, NY 11105-2048 Long Island City Phone: 718 1209-4090	
b. Transporter 1 Company Name: FREEHOLD CARTAGE, INC.		NYD 054112611617		NJ 5209035	
7. Transporter 2 Company Name:					
8. Designated Facility Name and Site Address: CYCLE (HEND), INC. 817 SOUTH FIRST STREET ELIZABETH, NJ 07208		NYD 054112611617		NJ 5209035	
11. U.S. DOT Description (Including Proper Shipping Name, Hazard Class or Division, ID Number and Packing Group): HM RQ1 POLYCHLORINATED BIPHENYLS, SOLID Mixture, 9, UN2315, PG III (00026)		NYD 054112611617		NJ 5209035	
J. Additional Descriptions for Materials Listed Above: PCB SOLID					
15. Special Handling Instructions and Additional Information: FOR RECORD KEEPING PURPOSES - REFERENCE BILL OF LADING R 16777 11A) ERG 11 OUT OF SERVICE DATE 10-17-05 EMERGENCY CONTACT (718) 264-4100					
16. GENERATOR'S CERTIFICATION: I hereby declare that the contents of this commitment are fully and accurately described above by proper shipping name and classification, packing, marking, and labeling, and are in all respects in proper condition for transport by highway according to applicable international and national government regulations. If I am a small quantity generator, I certify that I have a program in place to remove the volume and toxicity of waste generated to the degree I have determined to be economically practicable and that I have selected the practicable method of treatment, storage, or disposal currently available to me which minimizes the present and future threat to human health and the environment. OR, if I am a small quantity generator, I have made a good faith effort to minimize my waste generation and select the best waste management method that is available to me and I certify.		Signature: [Signature]		Month Day Year: 11/02/05	
17. Transporter 1 Acknowledgment of Receipt of Materials: Printed/Typed Name: [Signature]		Signature: [Signature]		Month Day Year: 11/02/05	
18. Transporter 2 Acknowledgment of Receipt of Materials: Printed/Typed Name:		Signature:		Month Day Year:	
19. Discrepancy Indication Space: Transporter section 13) not needed see 15)					
20. Facility Owner or Operator: Confirmation of receipt of hazardous materials received by this manifest to enter as listed in item 19: Printed/Typed Name: J.M. Butler		Signature: [Signature]		Month Day Year: 11/02/05	

EPA Form 0760-25

SIGNATURE AND INFORMATION MUST BE EXHIBIT ON ALL COPIES

TOTAL P.01

4 Irving Place Room 828
New York, NY, 10003

**Consolidated Edison
of New York**

Fax

To: Ms. Ann Finnegan

From: David Roche

Fax:

Pages: 2

Phone:

Date: 12/15/2005

Re: Manifest from Cycle Chem. To Model City **CC:**

☐ **Urgent** ☒ **For Review** ☐ **Please Comment** ☐ **Please Reply** ☐ **Please Recycle**

• **Comments:** Outbound manifest NYG 5236587 for container R16777 from Cycle Chem to CWM Model City via Freehold Cartage on 10/26/05 follows.

DIVISION OF SOLID & HAZARDOUS MATERIALS

P.O. Box 12820, Albany, New York 12212

Mazda's Wang Monitor 1/24/12

In case of emergency or spill immediately call the National Response Center (800) 424-8802 and the NYS Department of Environmental Conservation (518) 457-7362	TRANSPORTER
FACILITY	

TOTAL P.02

November 7, 2005

RECEIVED

NOV 16 2005

Pesticides & Toxic Substances Branch

Chief – Pesticides & Toxic Substances
U.S.E.P.A. Region II
2890 Woodbridge Avenue
Edison, New Jersey 08837-3674



RE: Off-Specification PCB Waste

Dear Chief:

Pursuant to a request from a member of your staff, Cycle Chem, Inc. is submitting the following information on material originally shipped to Cycle Chem as non-PCB waste and then discovered to be PCB waste after analysis at Cycle Chem, Inc.'s laboratory:

Please contact me if you have any questions or require additional information.

Sincerely,



James Butler
Regulatory Compliance Officer



New Jersey TSDF: Attachment
217 South First Street
Elizabeth, NJ 07206
908-355-5800
FAX: 908-355-0562

Corporate Office:
201 South First Street
Elizabeth, NJ 07206
908-355-5800
FAX: 908-355-3495

Pennsylvania TSDF:
550 Industrial Drive
Lewisberry, PA 17339
717-938-4700
Fax: 717-938-3301

Massachusetts TSDF:
General Chemical
133-138 Leland Street
Framingham, MA 01702
508-872-5000
FAX: 508-875-5271
www.generalchemical.com

www.cyclechem.com

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<u>Generator</u>	<u>Concentration</u>	<u>Ultimate Disposal</u>
College of the Atlantic 105 Eden Street Bar Harbor, ME 04609	1 drum 113 ppm -NJA5074113	ONYX Environmental Services Port Arthur, TX
Clean Venture 201 South First Street Elizabeth, NJ 07206	1 drum 147 ppm-NJA5254835 1 drum 1481 ppm-NJA5254790 1 drum 95 ppm-NJA5243183 1 drum 238 ppm-NJA5243308 1 drum 485 ppm BOL057589D	ONYX Environmental Services Port Arthur, TX
County of Orange Dept of Env. Facilities Svc. Goshen, NY 10924	1 drum 113 ppm-BOL055153C 1 drum 5911 ppm-BOL057496D	ONYX Environmental Services Port Arthur, TX
Monmouth County Household HHW Facility 3211 Shafion Road Tinton Falls, NJ	NJA5243038 1 drum 182 ppm 1 drum 560 ppm 1 drum 182 ppm	ONYX Environmental Services Port Arthur, TX
Cumberland Co. Imp. Auth. 2 North High Street Millville, NJ 08332	1 drum 358 ppm-BOL056601B	ONYX Environmental Services Port Arthur, TX
Hudson County Imp. Auth. 574 Summit Ave. Jersey City, NJ 07306	1 drum 192 ppm-BOL056840F 1 drum 721 ppm-BOL056844C 1 drum 718 ppm-BOL057014E	ONYX Environmental Services Port Arthur, TX
BWI/NASR 600 Shipyard Rd Sparrows Point, MD 21219	NJA5079240 1 rolloff 133 ppm	CWM Chemical Services Model City, NY
New Jersey School Construction 670 South Clinton Ave. Trenton, NJ 08611	1 rolloff 271 ppm-NJA5252970	returned to generator
NJDOT 1035 Parkway Ave. Ewing, NJ 08625	BOL057719A 1 drum 195 ppm 1 drum 165 ppm	ONYX Environmental Services Port Arthur, TX
Camden County Division of Env Affairs 520 N. Newton Lake Dr. Collingswood, NJ 08107	1 drum 244 ppm-BOL057584D	ONYX Environmental Services Port Arthur, TX
Consolidated Edison of NY 31-01 20th Ave. Long Island City, NY 11105	NJA5209035 1 rolloff 79 ppm	CWM Chemical Services Model City, NY

November 7, 2005

Chief, Pesticides and Toxic Substances Branch
USEPA - Region II
2890 Woodbridge Avenue
Edison, New Jersey 08837-3679

RE: Unmanifested Waste Report

Dear Chief,

Cycle Chem, Inc. is sending the unmanifested waste report as required in 40 CFR 761.211 for the shipment described hereafter:

A.	Facility	Cycle Chem, Inc. 217 South First Street Elizabeth, New Jersey 07206 NJD002200046
B.	Date Received:	10/26/05
C.	Generator:	Consolidated Edison of NY 31-01 20th Ave. Long Island City, NY 11105
D.	Transporter:	Clean Venture, Inc. 201 South First Street Elizabeth, NJ 07206 908-355-5800 NJ0000027193
E.	Waste Description:	soil
F.	Treatment Method:	Storage For Disposal
G.	Waste Code:	ID27
H.	Total Quantity:	12273 Kg
I.	Explanation for Unmanifested Shipment:	Material was considered non-PCB based upon generator knowledge. Material was found to contain greater than 50 PPM PCB after laboratory analysis at Cycle Chem, Inc.
J.	Certification:	James Butler Regulatory Compliance Officer


Signature